

THE IMPLEMENTATION OF PANCASILA AS A PHILOSOPHICAL BASIS OF EXERCISING SUFFRAGE

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Abstract

Democratic Party implemented with general elections, citizens frequently unused their suffrage or used their suffrage to get a reward. It is becoming a matter of concern because it results an election which is no longer honest, free, fair and confidential. If every citizen, whether those who are voted or those who vote have an understanding towards the philosophical basis decanted in the values of Pancasila, especially the fourth principle, a popular sovereignty election will be achieved. Pancasila which is a *Grundnorm* should be the basis for the government to implement the mandate as a representative of the people, while the community can vote the candidates with full consideration, not for any other reasons.

Keywords: Pancasila, philosophy, suffrage.

INTRODUCTION

General Election is a way of implementing democracy to enforce popular sovereignty. Indonesia's general election has specific democratic characteristics which differ from other countries' democracy; that is Pancasila democracy. Pancasila democracy differs Indonesia's democracy to other countries because of the implementation of the five principles of Pancasila, namely divine value, humanity, unity, citizenship, and justice. As a *Grundnorm*, Pancasila is the highest constitutional law of Indonesia.

According to Hans Kelsen in his book entitled *General Theory of Law and State*, law is valid if it is drawn up by an authorized

institution based on superiority norm. The inferior norm is made by a superior norm, and so forth to a level in which a norm is unable to be traced any longer.¹ Based on Hans Kelsen's opinion, *Grundnorm* is generally meta juridisch; it is not a product of legislature (*de wetgeving*), not a part of provision of law (*algemene Venbindende voorschriften*), it is the source of the source for the inferior provision of law. *Grundnorm* is a single entity and a base for every positive law's power and legality.

Pancasila as a *Grundnorm* and a philosophical basis contains the basic

¹ Hans Kelsen, 1997, *General Theory of Law and State*, translated by Anders Wedberg, New York: Russell & Russell, p. 112-113.

principles of all regulations in Indonesia. Included in these are regulations in general elections, a way of government chair alternation. Through elections, every citizen has an important role by wilfully exercise their suffrage. The form of participation needed by the government in conducting general elections is to vote. However, the development of democracy in Indonesia in the last few years does not reflect the democratic Pancasila.

There is an issue of political money at the time the elections took place both at the central and regional levels although it is not easy to prove. It might happen because there is a perspective of giving suffrage to get reward. Therefore, some people who do not realize the importance of giving their suffrage are not using their voting rights properly. They are not giving the right to vote on their conscience. This affects the election results that are not unanimous or not one hundred percent because some citizens are not interested in using their suffrage. Several reasons given by the citizen includes not knowing the candidates to be elected, being lazy to vote because they do not want to be fooled by promises and not receiving any reward.

Understanding the values contained in the principles of Pancasila be deeply valuable towards social and national life. Therefore,

restoring the understanding of Pancasila values as the philosophical basis of community life in national life becomes an important thought.

PROBLEM STATEMENT

1. Why does Pancasila become the philosophical basis of using suffrage?
2. How is the implementation of Pancasila as a philosophical basis of using suffrage?

METHODOLOGY

To simplify the research, the author uses normative legal research method which uses materials from literature so that it is often referred to as a literature study. This research uses the conceptual approach by using the views and concepts of Pancasila as the basis of using suffrage. Other important theories from several legal experts are also applied to illustrate the values of Pancasila philosophy.

The legal materials used are Pancasila and the 1945 Constitution. After being the data are collected and processed, qualitative descriptive analysis is used. Through descriptive research a researcher seeks to describe a phenomenon or happening event. Descriptive research focuses on the actual problem as it was when the research took place.²

² Juliensyah Noor, 2011, *Metode Penelitian*, Jakarta: Kencana Prenada Media Group, P. 35

DISCUSSION

Pancasila as a Philosophical Basis of Using Suffrage

The Indonesian life vision is embodied in the formulation of Pancasila as a philosophy of national life under the 1945 Constitution. As a national life vision and philosophy, Pancasila is a source of material law that should not only inspiring but must be practiced and reflected in every regulations of law in Indonesia.³ Accordingly, any existing law in Indonesia shall not conflict with Pancasila. If certain law or regulation is in violation of the Constitution, it shall be declared null and void.

In its formal form, the values of Pancasila are listed in the formulation of the Law of the Republic of Indonesia in 1945. This implies that Pancasila is very important for the citizen of Indonesia because Pancasila was born from existing values which live and develop in Indonesian society. For example: The Divine Value in the first principle reflects that the Indonesian nation has always been known as a godly nation which respects every citizen's rights of different beliefs. Respecting other's beliefs is possible because Indonesia recognizes more than one religion. This kind of tolerance is seen and used as a reference by other countries. Indonesia with Pancasila

can maintain harmony among different religions.

The second principle also characterizes the Indonesian people who respect humanity materialized by respecting the rights of others, helping one another and having a mutual cooperation. The third value, which is unity, is a unifying tool for the nation considering Indonesia's geographical location which consists of islands. It motivates Indonesian people to always unite the territories and sovereignty of the country so that they would not be divided by other countries. To realize this, the government must have strong sovereignty, a leader who can bring the country to the desired progress and prosperity as it is written in the fourth principle, democracy guided by inner wisdom. Whereas, the fifth principle implies that the government must be in favor of the people in carrying out its duties – social justice for all Indonesian citizens.

The word Pancasila as a philosophical basis literally comes from Greek words *philien* which means love and *shopos* which means wisdom. Love means a strong or burning desire. Wisdom means the true truth or the actual truth. The meaning of Pancasila philosophy comes from a deep thought of Indonesia which is considered, believed, confirmed (fact, norms, and values) as the

³ Jimly Assiddiqie, 2014, *Pengantar Hukum Tata Negara*, Jakarta: PT Raja Grafindo Persada, p. 159

most just, the most sensible, the best and the most appropriate for the people of Indonesia.⁴

Some definitions of philosophy based on legal experts that can enlighten us include:

a. Mr. R. Beerling

Philosophy is free thoughts which are inspired by ratio gained by experiences.

b. Arne Naess

Actually, philosophy consists of overall beliefs stated in definitions.

c. Immanuel Kant

Immanuel Kant suggests that philosophy critically tests the certainty of a normal thing.

From the three opinions of the legal experts above, it is possible to conclude that philosophy is the result of a comprehensive observation of both the mind and the certainty of something. Involved in the philosophy of Pancasila, it can be found that Pancasila is a universal national values that is considered to be right and good to be applied in the national life of Indonesia. It fits Indonesian national life since Pancasila as the values or norms has been lived and flourished in society, then crystallized into the values embodied in the principles of Pancasila.

The main function of Pancasila as the philosophical basis of Indonesia can be observed in the following explanation:

a. Pancasila as the way of life.

Pancasila as the way of life means that philosophy is applied as guidelines, reliable basis, or guidance for the Indonesian people in their daily life. In general, every citizen of Indonesia consider Pancasila as guidelines or guidance for their attitude and behavior. It is relatable to the Indonesia's characteristics which have been known as a virtuous nation which uphold the noble values that lie in Indonesian society.

Thus, Indonesian citizens must know and understand the values contained in Pancasila so that they can manifest those values in their daily life. Not just a mere slogan, but Pancasila should be sensed by Indonesian citizens ranging from leaders to the lowest society.

b. Philosophy of Pancasila as legal foundation

As a philosophy, Pancasila is a strong and solid foundation because there are values of life that can underlie people's social and national life in Pancasila. As a foundation of national life, what is done by the government and citizens must be in line with Pancasila. A strong nation's foundation will create a well-developed, just and prosperous country. The foundation in question is the legal basis

⁴ Siti Nur Gumilang, *Pancasila Sebagai Filsafat Bangsa Indonesia*, papper, Thursday, June 2nd 2018.

which must be understood and obeyed by the government and citizens.

c. Pancasila as Philosophy

It means that the values contained in Pancasila are inspired by the values that grow and develop in society. If good values become daily thoughts, realizing democratic elections, which are honest, free and confidential, must be possible.

Pancasila is the basic value that becomes the regulatory sign for national legal politics. Pancasila is also a *rechtsidee* or legal ideals which consider Pancasila from the legal perspective which have positive function and usage. The legal ideal becomes a regulative benchmark and functions as a constitutive basis, which determines that without the legal ideals, the law will lose its meaning.⁵

At the preamble of the Constitution, it was stated that Indonesia is a sovereign state. Article 1 paragraph 2 and paragraph 3 of the 1945 Constitution (the result of the third amendment) states that the sovereignty is in the hands of the people and is carried out according to the Constitution. It is affirmed by article 22 (E) paragraph 6 that the realization of people's sovereignty is carried out through people's representative

institutions, both national and regional levels, and regional institutions whose members are elected through elections that are further regulated by law.⁶ In conducting general election, the right of citizens to vote provides positive benefits for sovereign governance.

Since the first election in 1955, the election rules were made based on the political conditions and governmental conditions of Indonesia. Each period was held according to the election rules in force. Basically, it is to regulate who is chosen and who chooses. Citizens who meet the requirements to advance as candidates for representation can register themselves. On the other hand, citizens who are eligible or entitled to use their votes in elections can exercise their rights without discrimination.

Changes in the article did not happen much. However, what is somewhat different in the upcoming election regulations is that Law No. 7 of 2017 pays more attention to citizens' rights. Qualified citizens with disabilities have the same opportunities as other voters. Moreover, human rights law also regulates the right of citizens to vote and be elected, which is the political right of

⁵ Mahfud, *Majalah Konstitusi*, No. 40, May 2010 Edition.

⁶ Jimly Asshiddiqie, 2011, *HukumTata Negara dan Pilar-pilar Demokrasi*, Jakarta: Sinar Grafika, p. 268

Indonesian citizens. Therefore, it is proper for citizens with special needs to have political equality in exercising their suffrage.

If the citizens really understand the importance of their votes in exercising the popular sovereignty, there will be no political money or using people's voting rights only if they receive compensation. It will happen as long as Pancasila philosophical basis is done in everyday life. By understanding the values of the principles of Pancasila, especially the fourth principle, candidates for legislative, executive and judicative officials carry out the mandate of Pancasila. Besides, the public also gives their voting rights with a full consideration that the election is for the interest of the country's sovereignty and is expected to eliminate post-election conflicts.

The Implementation of Pancasila as a Philosophical Basis of Using Suffrage

Legal rules are used as a tool to change society. They have an important role especially in creating the intended changes or planned changes. The changes that are required or planned are intended make the community plays a leading role.

Popular sovereignty with a representative is known as democratic sitemap which is specifically called representative or indirect

democracy. So, those who exercise the popular sovereignty are the representatives of the people sitting in parliament. In order for the representatives of the people to act in the name of the People, they must be determined by a general election. In order to ensure a regular cycle of power, it is necessary to have a periodically election mechanism to provide opportunity for citizens who have already voted, have not voted yet, and new voters.⁷

The proof of the implementation of Pancasila as the philosophical basis of the Indonesian people is shown in several historical documents below:

- a. The speech of Ir. Soekarno
- b. Historical Politics on 22 June 1945 paragraph IV
- c. The preamble of the 1945 Constitution paragraph IV
- d. The preamble of Federal Republic of Indonesia's Constitution on 27 December 1949
- e. The preamble of provisional constitution in 17 August 1950
- f. The preamble of the 1945 Constitution paragraph IV after Republic of Indonesia presidential decree in 5 July 1959.

In every document above, Pancasila is said to be the basis of people's national life which become a basis for carrying out

⁷ Jimly Asshiddiqie, 2014, *Op Cit*, p. 415

people's sovereignty. As the foundation of the country, Pancasila became *Grundnorm*, so that every regulation or norm in Indonesia must not be in conflict with Pancasila.

In every election, there are always conditions in which some citizens do not give their votes for a number of reasons:

1. They do not know the candidate to be chosen.
2. They are being apathetic towards the candidate chosen because there is a thought that the situation will not change
3. They choose because they will get reward.
4. There are too many parties that make them confuse.

If this condition is left unchecked, it can affect the community and the country's sovereignty. It will make an unexpected election process in which the result also brings conflict. The notion of the general election will no longer be: a means of carrying out popular sovereignty which is done directly, publicly, freely, confidentially, honestly, and fairly.

It becomes very important for the government to prove that carrying out the mandate of the people can really be done. The law or regulations to carry out the task have already existed, the institution that will be used to carry out the duties of the country have already existed too so there is no reason to not carry out the mandate contained in the

fourth principle of Pancasila, that is democracy guided by inner wisdom.

The values contained in the fourth principle are often denied by the government and the community that diminish the virtue of that principle, for example: general election dispute cases that occur in several places, such as Manado, Gresik, and many other cases in different places. This happens due to the lack of appreciation towards others' opinions and the declination in political maturity of society. Elections no longer prioritize consensus, but many do take shortcuts with demonstrations, organisms and anarchism so their demand are fulfilled by those kind of forces.

The key of implementing Pancasila in the nationality and statehood life is by integrating the values contained in Pancasila into all aspects of life in society. Some sectors like education system, political system, defense and security, economic system and social life of the nationality and statehood can be integrated with the values of Pancasila. If Pancasila can be integrated, transformation towards a developed nationality and statehood will be very easy to be realized.

CLOSING

Conclusion

1. Pancasila as a philosophical basis in giving suffrage is a great motivation for the community to re-explore the values of

Pancasila. The government has an important role to teach its citizens to understand the values of Pancasila and realize them in nationality and statehood life. Finally, it is hoped that the people of Indonesia can use their suffrage as well as possible.

2. The implementation of Pancasila values can be the way of life for the community and for the government as an assumed officer. In addition, the government is responsible in resolving post-election conflicts.

Suggestion

Through this research, researcher suggests that the value of Pancasila as philosophical basis of nationality and statehood life must be restored. The restoration must include the politics, economy, social, culture, education and also security and defense aspects. This action must also be done massively, start from the central governance to the society to realize an honest, free, fair, and confidential democracy.

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